

Alstate Process Service Inc.
60 BURT DRIVE
DEER PARK, NEW YORK 11729
631/667-1800

UNITED STATES SOUTHERN DISTRICT COURT
COUNTY OF NEW YORK

CASE # 230823

Date Received: 04/21/08

INDEX NO.: 08 CIV 3683

MATTEL, INC.

against

Plaintiff(s)

JOHN MASTROANI D/B/A HOT WHEELS DEPOT

Defendant(s)

AFFIDAVIT
OF
SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK

ss.:

ANDREW CEPONIS

being duly sworn, deposes and says: that deponent is not a party

to this action, is over 18 years of age and resides in The State of New York

That on 04/24/08 10:48 AM at 324 DEPOT ROAD, HUNTINGTON STATION NY 11746

deponent served the within SUMMONS AND COMPLAINT bearing Index# 08 CIV 3683 & filing date 04/17/08

on

JOHN MASTROANI D/B/A HOT WHEELS DEPOT

defendant therein named,

INDIVIDUAL

☐

by delivering thereat a true copy of each to said defendant personally; deponent knew said person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION

☐

a , by delivering thereat a true copy of each to personally; deponent knew said so served to be the described as the named defendant and knew said individual to be the thereof an authorized person to accept service of process

SUITABLE
AGE PERSON

☒

by delivering thereat a true copy of each to LAURA ALGERIO CO-WORKER a person of suitable age and discretion. That person was also asked by deponent whether said premises was the defendant's

actual place of business

and the reply was affirmative.

AFFIXING TO
DOOR, ETC.

☐

by affixing a true copy of each to the door of said premises, which is defendant's within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having verified defendant's with

and having called there on

AUTO SHOP

MAILING

☒

Mailed on 4/25/08 BY FIRST CLASS MAIL

MAILED IN AN ENVELOPE MARKED PERSONAL & CONFIDENTIAL

On 4/25/08 deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to defendant at defendant's

actual place of business at 324 DEPOT ROAD HUNTINGTON STATION NY 11746 and deposited said wrapper in a post office of the United States Postal Service within New York State.

DESCRIPTION

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BLACK	26	5'6	125

USE IN
NYC CIVIL CT.

☐

Other identifying features:

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons(es).

MILITARY
SERVICE

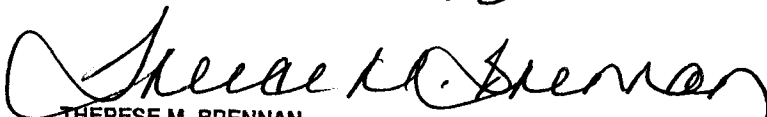
☒

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply.

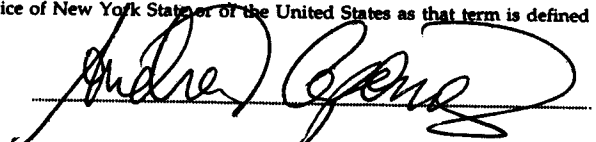
The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or Federal statutes.

SWORN TO BEFORE ME ON 4-25-08

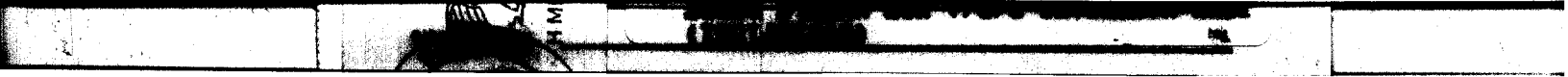


THERESE M. BRENNAN
Notary Public, State of New York
No. 01BR5078017
Qualified in Suffolk County
Commission Expires May 19, 2011



ANDREW CEPONIS

LICENSE NO. 1274532



JUDGE DANIELS

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MATTEL, INC.,

SUMMONS IN A CIVIL ACTION

V.

JOHN MASTROANI D/B/A
HOT WHEELS DEPOT

CASE NUMBER:

08 CIV 3683

TO: (Name and address of Defendant)

John Mastroani d/b/a Hot Wheels Depot
324 Depot Road
Huntington Station, NY 11746

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William Dunnegan
Dunnegan LLC
350 Fifth Avenue, New York,
New York, 10118

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

APR 17 2008

CLERK

DATE

(By)  CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ Date </div> <div style="width: 60%;"> _____ <i>Signature of Server</i> </div> </div> <div style="text-align: center; margin-top: 20px;"> _____ <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
 for the
 SOUTHERN DISTRICT OF NEW YORK

E 648483

RECEIVED FROM

at
Duhagan
08012683 (CR)

Fund
 6855XX
 604700
 508800
 085000
 086900
 322340
 322350
 322360
 143500
 322380
 322386
 121000
 129900
 504100
 613300
 510000
 510100

Deposit Funds

Registry Fund

General and Special Funds

Immigration Fees

Attorney Admission Fees

Filing Fees

Sale of Publications

Copy Fees

Miscellaneous Fees

Interest

Recoveries of Court Costs

Restitution to U.S. Government

Conscience Fund

Gifts

Crime Victims Fund

Unclaimed Monies

Civil Filing Fee (%)

Registry Fee

INVOICE #92875

DATE\TIME: 4/17/2008 12:09:43 PM

CLERK: LATECIA

STATION: 01

=====

COMPLAINT 4/06

086900 \$60.

510000 \$190.00

086400 \$100.00

=====

GRAND TOTAL

\$350.00

\$350.00

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DATE:

20

Cash

Check

M.O.

Credit

DEPUTY CLERK:



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08_x CIV 3683

MATTEL, INC.,

:

Plaintiff,

:

-against-

:

08 Civ.

JOHN MASTROANI D/B/A
HOT WHEELS DEPOT,

:

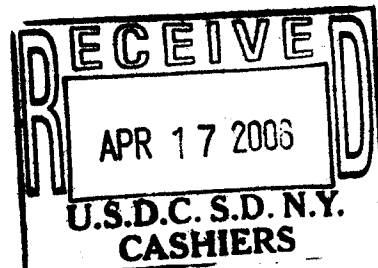
Defendant.

:

:

-X

RULE 7.1 STATEMENT



Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Mattel, Inc. (a private, non-governmental party) certifies that there are no corporate parents, affiliates, subsidiaries and/or publicly held corporations which own 10% or more of its stock.

DATE:

4/16/08

William Dunnegan
SIGNATURE OF ATTORNEY